

**Department of Community Planning and Economic Development – Planning Division**

Rezoning  
BZZ-5580

**Date:** December 3, 2012

**Applicant:** Richard Henke, 2516 Lyndale Avenue South, Minneapolis, MN 55405, (612) 872-1326

**Address of Property:** 809 West 50<sup>th</sup> Street

**Project Name:** The Malt Shop

**Contact Person and Phone:** Richard Henke, 2516 Lyndale Avenue South, Minneapolis, MN 55405, (612) 872-1326

**Planning Staff and Phone:** Becca Farrar, Senior City Planner (612)673-3594

**Date Application Deemed Complete:** October 24, 2012

**End of 60-Day Decision Period:** December 23, 2012

**End of 120-Day Decision Period:** On November 14, 2012, Staff sent a letter to the applicant extending the decision period to no later than February 21, 2013.

**Ward:** 13

**Neighborhood Organization:** Lynnhurst Neighborhood Association

**Existing Zoning:** R1 (Single-family) District, Airport (AP) Overlay District

**Proposed Zoning:** C1 (Neighborhood Commercial) District, Airport (AP) Overlay District

**Zoning Plate Number:** 36

**Lot area:** 2,725 square feet or approximately .06 acres

**Legal Description:** The west 42 feet of Lot 1 and the west 42 feet of the northerly 17 53/100 feet of Lot 2, Lots 1 and 2, Block 2, Wheeler's Addition to Minneapolis, Hennepin County, Minnesota.

**Proposed Use:** Legalize and expand an existing nonconforming commercial use.

**Concurrent Review:**

- Petition to rezone the property located at 809 West 50<sup>th</sup> Street from the R1 (Single-family) District to the C1 (Neighborhood Commercial) District in order to legalize the existing nonconforming commercial use of the property as the Malt Shop. The applicant further proposes to convert the basement to a banquet room for the facility.

**Applicable zoning code provisions:** Chapter 525, Article VI Zoning Amendments.

**Background:** The applicant proposes to rezone the property located at 809 West 50<sup>th</sup> Street from the R1 (Single-family) District to the C1 (Neighborhood Commercial) District. The Airport (AP) Overlay District would be maintained with the proposed rezoning. The rezoning is proposed in order to legalize

the existing nonconforming commercial use of the property and to further allow for the conversion of the existing basement to a banquet room for the facility. The use of the property as a sit-down restaurant is permitted in the C1 District. The property is located in the AP Overlay District which does not have any applicable implications on the proposal to rezone the property. The building has been utilized continuously as a commercial use since it was constructed in 1916. The petition to rezone the property from the R1A District to the C1 District required written consent of the owners of two-thirds of the properties within 100 feet of the property to be rezoned. The City Attorney has reviewed and certified that the petition complies with the consent signature requirements.

Staff has not received official correspondence from the Lynnhurst Neighborhood Association or any neighborhood letters prior to the printing of this report. Any correspondence received after the printing of this report shall be forwarded on to the Planning Commission for consideration.

## **REZONING**

### **Findings as Required by the Minneapolis Zoning Code:**

#### **1. Whether the amendment is consistent with the applicable policies of the comprehensive plan.**

According to *The Minneapolis Plan for Sustainable Growth*, the subject parcel is located along West 50<sup>th</sup> Street which is a designated Community Corridor in this location. The property is located within the boundaries of the neighborhood commercial node located at 50<sup>th</sup> Street West and Bryant Avenue South. All other properties located within the boundaries of the node are zoned C1. According to *The Minneapolis Plan for Sustainable Growth*, “Community Corridors support new residential development from low- to high-density in specified areas, as well as increased housing diversity in neighborhoods. Community Corridors support limited commercial uses that are frequently concentrated in Neighborhood Commercial Nodes.” Further, “Neighborhood Commercial Nodes are typically comprised of a handful of small- and medium-sized businesses focused around one intersection. These nodes primarily serve the needs of the immediate surrounding area, although they may also contain specialty stores that serve a regional client base.” The following policies and implementation steps of *The Minneapolis Plan for Sustainable Growth* apply to this proposal:

Land Use Policy 1.1 states, “Establish land use regulations to achieve the highest possible development standards, enhance the environment, protect public health, support a vital mix of land uses, and promote flexible approaches to carry out the comprehensive plan.”

Land Use Policy 1.9 states, “Through attention to the mix and intensity of land uses and transit service, the City will support development along Community Corridors that enhances residential livability and pedestrian access.” The policy includes the following applicable implementation steps: (1.9.1) “Support the continued presence of existing small-scale retail sales and commercial services along Community Corridors.” (1.9.3) “Discourage uses that diminish the transit and pedestrian oriented character of Community Corridors, such as automobile services and drive-through facilities.”

Land Use Policy 1.11 states, “Preserve and enhance a system of Neighborhood Commercial Nodes that includes a mix of housing, neighborhood-serving retail, and community uses.” The policy includes the following applicable implementation steps: (1.11.2) “Support the continued presence of small-scale, Neighborhood serving retail and commercial services in Neighborhood Commercial Nodes.” (1.11.3) “Discourage new or expanded uses that diminish the transit and pedestrian character of Neighborhood Commercial Nodes, such as some automobile services and drive-through facilities.”

Planning Staff believes that the proposal to rezone the subject property from the R1A District to the C1 District is supported by the above listed policies and implementation steps.

**2. Whether the amendment is in the public interest and is not solely for the interest of a single property owner.**

A rezoning to the C1 District would be considered primarily in the interest of the property owner as it would legalize the current nonconforming commercial use of the site as to zoning and further allow for the interior expansion of the use into the basement of the building to accommodate a banquet room for the facility. The amendment could also be considered in the public interest as it would allow for the legal establishment of the use under the C1 District regulations which are directly supported by adopted policies specific to Community Corridors and Neighborhood Commercial Nodes. An expansion of a legal non-conforming use could be pursued in lieu of a rezoning application; however, the first finding for an expansion of nonconforming use is: “a rezoning of the property would be inappropriate”. Based on the above-listed information, a rezoning is appropriate; therefore, the finding could not be made.

**3. Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of particular property.**

The subject site is located within an area that has C1 zoning located at all four corners of the intersection of the Neighborhood Commercial Node located at 50<sup>th</sup> Street West and Bryant Avenue South. The only parcel located within the node that is not zoned C1 is the subject property which is zoned R1A and is a legal non-conforming commercial use. Other than the properties located at the node, all other properties within the larger vicinity are residentially zoned as R1, R1A and R2B. The uses located within the node are commercial in nature. All other surrounding uses are residential. Given the adopted policies that apply to the site, Staff believes that the C1 zoning district would be appropriate and compatible in this location.

**4. Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of particular property.**

There are no reasonable uses of the building allowed under the existing R1A zoning classification. Typically allowed uses in the R1A district would include a single-family dwelling or an institutional/public use; however, due to the size of the parcel (2,725 square feet) the options are very limited due to minimum lot area requirements. Further, the building was constructed and has been continuously used as a commercial building since 1916. Adopted City policies support C1 zoning along Community Corridors and within the boundaries of designated Neighborhood Commercial Nodes. Planning Staff has included an attachment to the staff report which further details the differences between the existing and proposed zoning classification for the property.

**5. Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of particular property.**

Under the 1963 Zoning Code, the subject property was zoned R1(Single-family) District, the properties located at the corners of the intersection of 50<sup>th</sup> Street West and Bryant Avenue South were zoned B3S-2,

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and the remaining residentially zoned properties were zoned similarly to what they are zoned today (R1, R1A and R2B). There have not been changes relative to the character and trend of development in the general area as the node has always had small scale commercial uses and the surrounding area is comprised of a built-out residential neighborhood. The amendment to alter the existing zoning classification on the property would not adversely impact the neighborhood as it would merely allow an existing legal non-conforming commercial use to be legally conforming as to the zoning and further to allow an interior expansion into the basement.

**RECOMMENDATIONS:**

**Recommendation of the Department of Community Planning and Economic Development – Planning Division for the rezoning:**

The Department of Community Planning and Economic Development - Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **approve** the rezoning petition to change the zoning classification of the property located at 809 West 50<sup>th</sup> Street from the R1(Single-family) District to the C1 (Neighborhood Commercial) District.

**Attachments:**

1. Rezoning Matrix – R1 vs. C1
2. Statement of use / description of the project
3. Correspondence
4. Zoning map
5. Site plan
6. Photos